

**Executive**Report Title: **Statement of Gambling Policy**

Forward Plan reference number (if applicable):

Report of: **Assistant Director Enforcement Service**Wards(s) affected: **All**Report for: **Key Decision****1. Purpose**

**1.1** To agree and adopt a Statement of Gambling Policy for Haringey under the terms of the Gambling Act 2005.

**2. Introduction by Executive Member (if necessary)**

**2.1** The reforms to gambling, following on from the alcohol licensing reforms last year, will bring the licensing of premises associated with betting and gambling directly into local authority control. The objectives of the legislation as set out in 7.1 below will assist the Council in it's efforts to prevent the effects of gambling becoming an issue impacting on crime and disorder , and protect those who are vulnerable from being harmed or exploited.

**2.2** This Statement of Gambling Policy closely follows the guidance issued by the Department of Culture, Media and Sport , and the Gambling Commission. The Statement can be reviewed in the future to enable changes to be made following a period of operation in practice .

**2.3** Where possible under the statute and associated guidance , services will work together to prevent premises developing into problem sites causing concern to local residents or nearby business.

**3. Recommendations**

**3.1** That the Executive approve the Statement of Gambling Policy contained at Appendix A for recommendation to Full Council on 13<sup>th</sup> November , 2006.

Report Authorised by: **Andrew Travers , Interim Director Environmental Services**Contact Officer: **Keith Betts , Commercial & Environmental Protection Group**

## **Manager , Enforcement Service – Ext 5525**

### **4. Director of Finance Comments**

**4.1** Licensing of gambling premises is transferring from the magistrates court system to local authorities under Government legislation passed earlier this year. In terms of the general costs of the licensing reforms, the Government is intending to set licence fees at a level which allows authorities to fully recover the costs of their new responsibilities. It will be consulting on proposed fee levels from November 2006 and aiming to implement the proposed licence fees from early in the new financial year.

### **5. Head of Legal Services Comments**

**5.1** Regulations made by Central Government earlier this year give responsibility for the formulation and preparation of local authorities' Statements of Gambling Policy to their Executives. The Executive has power to propose amendments to the draft Statement. Once it is approved by The Executive, the Statement must be reported up to the full Council for formal adoption with or without modification by Council.

**5.2** There will need to be additions to the terms of reference of the Licensing Committee and its Sub-Committees to give Members power to conduct hearings under the Gambling Act 2005. There should also be amendments to the scheme of delegation to officers in the Enforcement Service to confer power to deal with more routine administrative matters under the Act.

### **6. Local Government (Access to Information) Act 1985**

**6.1** Background Papers : Draft Statement of Gambling Policy , Report to Executive Advisory Board on 11<sup>th</sup> July 2006 , Gambling Act 2005 , Guidance to Licensing Authorities issued by the Gambling Commission April 2006 .

**6.2** No exemption or confidentiality aspects

### **7. Strategic Implications**

**7.1** The control of gambling in terms of licensing will be passing from the magistrates court system to local authority control under these reforms. The subject of gambling and it's potential affects on society are of concern to all in our community and those that represent that community at both local and national level. Whilst these reforms under the Gambling Act 2005 are not intended to deal with the moral aspects of such activity , they are there to ensure gaming is controlled and is undertaken to certain standards as detailed in the objectives of the Act . These objectives are to ;

- Prevent gambling from being a source of crime and disorder , being associated with crime and disorder , or being used to support crime;
- Ensure that gambling is conducted in a fair & open way;
- Protect children and other vulnerable persons from being harmed or exploited.

**7.2** The Statement of Gambling Policy follows the guidance issued by the Government

in maintaining the three licensing objectives , and promoting an open and fair process for the control of premises where gambling takes place . The regulatory responsibility under the Act is shared with the Gambling Commission who will have the responsibility to grant certain types of licence in relation to those persons and organisations providing the facilities for gambling . The Commission will also deal with the authorisation of those persons holding management responsibilities at such premises. It will be for the local authority to licence the premises where such activity takes place.

## **8. Financial Implications**

**8.1** In terms of the general costs of the licensing reforms , the Department of Culture , Media and Sport ( DCMS ) intend to set fees for the various licensing processes and will be making announcements and consulting on these in November 2006. It is anticipated that the fees will be set at a level that in the view of the DCMS will allow the local authorities to fully recover the costs of their new responsibilities.

**8.2** Start-up costs such as training, IT requirements, transferring records, and the production of and consultation on the Statement Of Gambling Policy, are being contained within existing budgets for Enforcement Services.

## **9. Legal/Constitutional Implications**

9.1 These are set out in paragraphs 5.1 and 5.2 above and in the body of the report.

## **10. Equalities Implications**

10.1 The affects and concerns in respect of illegal or unfair gambling are relevant across all communities in Haringey , and our Statement of Gambling Policy will support the licensing objectives put forward by the Government to safeguard our community from such affects. We will work with relevant organisations and agencies to ensure the licensing objectives are met across all licensed premises in the borough.

10.2 It should be noted that in general terms , the number or density of premises licensed under the Act is not a consideration that the licensing authority can take into account in the determination of an application . Each application must be considered on it's merits without regard to demand.

## **11. Consultation**

**11.1** The Gambling Act 2005 requires that a policy is produced by each licensing authority to guide them in their responsibilities under the Act . The consultation is defined in the Act and the following must be consulted ;

- In England & Wales , the chief officer of police for the authority's area;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority : and

- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 11.2** The consultation was undertaken between 17<sup>th</sup> July and 8<sup>th</sup> September 2006 ( eight weeks ) and the comments received and their analysis are shown at Appendix B.

## **12. Background**

### **12.1 The Gambling Act 2005**

The Gambling Act 2005 will come fully into force on 1 September 2007 (the Act is already partly in force) making Haringey Council (the 'Licensing Authority') responsible for certain licensing functions in relation to gambling in the borough. This will result in the Council's Licensing Committee becoming responsible for granting premises licences in the London Borough of Haringey. The function has been previously undertaken by the Magistrates Court system.

The Act brings in significant changes to the way gambling premises are regulated and repeals the following legislation:

- Betting, Gaming and Lotteries Act 1963
- Gaming Act 1968
- Lotteries and Amusements Act 1976

The definition of 'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery:

- Gaming means playing a game of chance for a prize
- Betting means making or accepting a bet on the outcome of a race, competition, or any event; the likelihood of anything occurring or not occurring; or whether anything is true or not
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

The Statement of Gambling Policy sets out the principles that the Licensing Authority proposes to apply in exercising its licensing functions under the Gambling Act. The Policy will last a maximum period of 3 years commencing on 31 January 2007 and can be reviewed and revised by the Licensing Authority at any time before the expiry of the three-year period.

The Gambling Act aims to allow for more freedom for business operators and customers whilst ensuring that gambling is conducted within a framework that has been designed to promote the three key licensing objectives which are as follows:

- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime or disorder;
- (b) ensuring that gambling is conducted in a fair and open way; and

- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

In general, apart from in relation to the licensing of tracks, the fairness and openness of gambling will primarily be matters for the Gambling Commission.

## 12.2 Requirements on Licensing Authorities

The Gambling Act 2005 gives licensing authorities a range of new powers to licence gambling premises in their communities. The Gambling Policy considers the needs of the borough and is concerned with upholding the licensing objectives as set out above. It will guide the Licensing Authority in carrying out its various regulatory functions under the Act. These main functions are:

- To be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences;
- To issue provisional statements in respect of such premises ( pre-approval) ;
- To regulate members' clubs who wish to undertake certain gaming activities via issuing club gaming permits and /or club machine permits;
- To issue club machine permits to commercial clubs;
- To grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- To receive and issue permits from alcohol licensed premises (under the Licensing Act 2003) for the use of gaming machines, (over two machines goes to hearing automatically)
- To register small society lotteries below prescribed threshold. (where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less)
- To Issue prize gaming permits
- To receive and endorse temporary use notices;
- To receive occasional use notices
- To provide information to the Gambling Commission regarding details of licences issued.
- To maintain registers of the permits and licences that are issued under these functions.
- To enforce the legislation in relation to premises, e.g. premises which intend to provide off-course betting, or bingo will require a premises licence.

## 12.3 Summary of key points in Haringey draft Statement of Gambling Policy

The Policy is a substantial document and below is a brief summary of some of the key points.

- The principles that the Licensing Authority proposes to adopt will provide support for its aims of tackling crime and supporting the vulnerable in our community.

- The Licensing Authority will ensure, so far as is consistent with the Gambling Act and guidance, that the policy supports and does not conflict with strategies for local crime prevention and community safety.
- The Licensing authority should not take into account irrelevant matters, i.e, those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building approval for the proposal .
- The Licensing Authority shall aim to permit the use of premises for gambling in so far as it is satisfied that to do so would be: in accordance with the Gambling Act 2005 and any relevant code of practice or guidance issued by the Gambling Commission; and reasonably consistent with the licensing objectives and the Licensing Authority's Policy.
- The Licensing Authority recognises that neither the need (commercial demand) for the premises to be licensed, nor people's moral objections to gambling are matters that can generally be taken into account by a licensing authority.
- The Licensing Authority will consider each application on its merits.
- The Licensing Authority will place information about licence applications on its web site and will notify ward councillors when applications are received.
- The Licensing Authority has not resolved not to issue casino premises licences. If the Licensing Authority should in the future resolve not to issue casino premises licences, then the resolution shall be published by being included in the Policy or any revisions to the Policy and as such shall be subject to public consultation.
- The Licensing Authority will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences. Spread betting is regulated by the Financial Services Authority. The National lottery is regulated by the National Lottery Commission.

### **13. Conclusion**

**13.1** The Councils draft Statement of Licensing Policy has been developed in line with the legislation and guidance issued by the Government and Gambling Commission. It has undergone a statutory consultation process during the summer lasting eight weeks . Comments received have been analysed and where possible such matters raised by the comments have been considered for incorporation into the draft policy.

### **14. Use of Appendices / Tables / Photographs**

**14.1** Appendix A - Draft Statement of Gambling Policy

**14.2** Appendix B - Analysis of comments received during the consultation process

